

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JASON CHIEFSTICK,

Plaintiff,

vs.

JIM SALMONSEN; AUSTIN
KNUDSEN, ATTORNEY GENERAL
OF THE STATE OF MONTANA,

Respondents.

CV 21-78-GF-BMM

ORDER

Petitioner Jason Chiefstick (“Chiefstick”), a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on June 20, 2021. Doc. 1. United States Magistrate Judge John Johnston issued Findings and Recommendations in this matter on July 13, 2021. Doc. 6.

Judge Johnston recommended that this Court dismiss Chiefstick’s petition without prejudice as unexhausted. *Id.* at 6. Judge Johnston also recommended that this Court deny issuance of a certificate of appealability, because Chiefstick’s petition is unexhausted, and no other basis exists to encourage further proceedings at this time. *Id.* at 5.

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Chiefstick's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED** without prejudice as unexhausted.
2. The Clerk of Court is directed to enter a judgment of dismissal by separate document.
3. A certificate of appealability is **DENIED**.

Dated this 17th day of August, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court